

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CXT SYSTEMS, INC.,	§	
	§	Case No. 2:19-cv-00271-JRG-RSP
Plaintiff,	§	
	§	<u>JURY TRIAL DEMANDED</u>
v.	§	(LEAD CASE)
	§	
GENERAL NUTRITION CORPORATION,	§	
	§	
Defendant.	§	
CXT SYSTEMS, INC.,	§	Case No. 2:19-cv-00270-JRG-RSP
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	(CONSOLIDATED CASE)
v.	§	
	§	
NEIMAN MARCUS GROUP LTD. LLC,	§	
	§	
Defendant.	§	

NOTICE AND MOTION TO DISMISS WITHOUT PREJUDICE

Plaintiff CXT Systems, Inc. (“CXT”) hereby notifies the Court that, pursuant to the Order of May 8, 2020 (Dkt. 57), and to Federal Rule of Civil Procedure 41(a)(2), CXT elects to dismiss all claims asserted against Neiman Marcus Group Ltd. LLC. (“Neiman Marcus”) without prejudice. Accordingly, CXT respectfully requests that all claims and causes of action asserted in this action against Neiman Marcus by CXT be dismissed without prejudice, and that all counterclaims asserted against CXT by Neiman Marcus be dismissed without prejudice. CXT reserves its rights to pursue such claims in Bankruptcy Court, and to otherwise pursue any claims not discharged in bankruptcy (such as any claim for infringement subsequent to Neiman Marcus Group Ltd. LLC.’s petition for bankruptcy).

Dated: June 8, 2020

Respectfully submitted,

/s/ Alfred R. Fabricant

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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on June 8, 2020, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Alfred R. Fabricant

Alfred R. Fabricant